



## **DEPARTMENT OF LABOR**

### **Occupational Safety and Health Administration**

**[Docket No. OSHA-2007-0043]**

#### **TUV SUD America Inc.: Grant of Expansion of Recognition**

**AGENCY:** Occupational Safety and Health Administration (OSHA), Labor.

**ACTION:** Notice.

**SUMMARY:** In this notice, OSHA announces its final decision to expand the scope of recognition for TUV SUD America, Inc. as a Nationally Recognized Testing Laboratory (NRTL).

**DATES:** The expansion of the scope of recognition becomes effective on [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER].

**FOR FURTHER INFORMATION CONTACT:** Information regarding this notice is available from the following sources:

Press inquiries: Contact Mr. Frank Meilinger, Director, OSHA Office of Communications, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N-3647, Washington, DC 20210; telephone: (202) 693-1999; email: [meilinger.francis2@dol.gov](mailto:meilinger.francis2@dol.gov).

General and technical information: Contact Mr. Kevin Robinson, Director, Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N-3655, Washington, DC 20210; telephone: (202) 693-2110; email: [robinson.kevin@dol.gov](mailto:robinson.kevin@dol.gov). OSHA's web page

includes information about the NRTL Program (see <http://www.osha.gov/dts/otpc/nrtl/index.html>).

## **SUPPLEMENTARY INFORMATION:**

### **I. Notice of Final Decision**

OSHA hereby gives notice of the expansion of the scope of recognition of TUV SUD America, Inc. (TUVAM) as an NRTL. TUVAM's expansion covers the addition of fifteen test standards and one recognized testing and certification site to its scope of recognition.

OSHA recognition of an NRTL signifies that the organization meets the requirements specified by 29 CFR 1910.7. Recognition is an acknowledgment that the organization can perform independent safety testing and certification of the specific products covered within its scope of recognition and is not a delegation or grant of government authority. As a result of recognition, employers may use products properly approved by the NRTL to meet OSHA standards that require testing and certification of the products.

The Agency processes applications by an NRTL for initial recognition, or for expansion or renewal of this recognition, following requirements in Appendix A to 29 CFR 1910.7. This appendix requires that the Agency publish two notices in the Federal Register in processing an application. In the first notice, OSHA announces the application and provides its preliminary finding and, in the second notice, the Agency provides its final decision on the application. These notices set forth the NRTL's scope of recognition or modifications of that scope. OSHA maintains an informational web page for each NRTL that details its scope of recognition. These pages are available from the Agency's web site at <http://www.osha.gov/dts/otpc/nrtl/index.html>.

TUVAM submitted an application, dated October 16, 2014, (OSHA-2007-0043-0014) to expand its recognition to include fifteen additional test standards and one additional recognized testing and certification site located at: TUV SUD, 1229 Ringwell Drive, Newmarket, ON, L3Y 8T8, Canada. OSHA staff performed a detailed analysis of the application, including a comparability analysis, and reviewed other pertinent information. OSHA performed an on-site review of TUVAM's testing and certification facility in Newmarket, ON Canada on July 14-15, 2015, in which assessors found nonconformances with the requirements of 29 CFR 1910.7. TUVAM addressed these issues sufficiently, and OSHA staff recommended expansion of TUVAM's recognition to include these standards and this site.

OSHA published the preliminary notice announcing TUVAM's expansion application in the Federal Register on December 7, 2015 (80 FR 76045). The Agency requested comments by December 22, 2015, but it received no comments in response to this notice. OSHA now is proceeding with this final notice to grant expansion of TUVAM's scope of recognition.

To obtain or review copies of all public documents pertaining to TUVAM's application, go to [www.regulations.gov](http://www.regulations.gov) or contact the Docket Office, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N-2625, Washington, DC 20210. Docket No. OSHA-2007-0043 contains all materials in the record concerning TUVAM's recognition.

## **II. Final Decision and Order**

OSHA staff examined TUVAM's expansion application, its capability to meet the requirements of the test standards, conducted a detailed on-site assessment, and reviewed other pertinent information. Based on its review of this evidence, OSHA finds that

TUVAM meets the requirements of 29 CFR 1910.7 for expansion of its recognition, subject to the limitation and conditions listed below. OSHA, therefore, is proceeding with this final notice to grant TUVAM's scope of recognition. OSHA limits the expansion of TUVAM's recognition to testing and certification of products for demonstration of conformance to the test standards listed in Table 1 below. Further, OSHA limits the expansion of TUVAM's recognition to include the site at TUV SUD, Newmarket, ON Canada as listed above. OSHA's recognition of this site limits TUVAM to performing product testing and certifications only to the test standards for which the site has the proper capability and programs, and for test standards in TUVAM's scope of recognition. These limitations are consistent with the recognition that OSHA grants to other NRTLs that operate multiple sites.

**Table 1**  
**List Appropriate Test Standards for Inclusion in TUVAM's**  
**NRTL Scope of Recognition**

<b>Test Standard</b>	<b>Test Standard Title</b>
UL 2202	Standard for Electric Vehicle (EV) Charging System Equipment
ANSI Z83.8	Gas Unit Heaters, Gas Utility Heaters and Gas-Fired Duct Furnaces
ANSI Z21.13	Gas-Fired Low Pressure Steam and Hot Water Boilers
UL 795	Standard for Commercial-Industrial Gas Heating Equipment
UL 726	Standard for Oil-Fired Boiler Assemblies
UL 727	Standard for Oil-Fired Central Furnaces
ANS Z21.10.3	Gas-Fired Water Heaters – Volume III, Storage Water Heaters With Input Ratings Above 75,000 BTU Per Hour, Circulating and Instantaneous
UL 484	Standard for Room Air Conditioners
UL 705	Standard for Power Ventilators
UL 1812	Standard for Ducted Heat Recovery Ventilators
UL 1815	Standard for Non-ducted Heat Recovery Ventilators
UL 412	Standard for Refrigeration Unit Coolers
UL 1042	Standard for Electric Baseboard Heating Equipment

<b>Test Standard</b>	<b>Test Standard Title</b>
UL 1996	Standard for Electric Duct Heaters
UL 2021	Standard for Fixed and Location-Dedicated Electric Room Heaters

OSHA's recognition of any NRTL for a particular test standard is limited to equipment or materials for which OSHA standards require third-party testing and certification before using them in the workplace. Consequently, if a test standard also covers any products for which OSHA does not require such testing and certification, an NRTL's scope of recognition does not include these products.

The American National Standards Institute (ANSI) may approve the test standards listed above as American National Standards. However, for convenience, we may use the designation of the standards-developing organization for the standard as opposed to the ANSI designation. Under the NRTL Program's policy (see OSHA Instruction CPL 1-0.3, Appendix C, paragraph XIV), any NRTL recognized for a particular test standard may use either the proprietary version of the test standard or the ANSI version of that standard. Contact ANSI to determine whether a test standard is currently ANSI-approved.

#### A. Conditions

In addition to those conditions already required by 29 CFR 1910.7, TUVAM must abide by the following conditions of the recognition:

1. TUVAM must inform OSHA as soon as possible, in writing, of any change of ownership, facilities, or key personnel, and of any major change in its operations as an NRTL, and provide details of the change(s);
2. TUVAM must meet all the terms of its recognition and comply with all OSHA policies pertaining to this recognition; and

3. TUVAM must continue to meet the requirements for recognition, including all previously published conditions on TUVAM's scope of recognition, in all areas for which it has recognition.

Pursuant to the authority in 29 CFR 1910.7, OSHA hereby expands the scope of recognition of TUVAM, subject to the limitation and conditions specified above.

**Authority and Signature**

David Michaels, Ph.D., MPH, Assistant Secretary of Labor for Occupational Safety and Health, 200 Constitution Avenue, NW., Washington, DC 20210, authorized the preparation of this notice. Accordingly, the Agency is issuing this notice pursuant to 29 U.S.C. 657(g)(2), Secretary of Labor's Order No. 1-2012 (77 FR 3912, Jan. 25, 2012), and 29 CFR 1910.7.

Signed at Washington, DC, on February 25, 2016.

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**David Michaels,**  
Assistant Secretary of Labor for Occupational Safety and Health.

**BILLING CODE: 4510-26-P**

[FR Doc. 2016-04526 Filed: 3/1/2016 8:45 am; Publication Date: 3/2/2016]